

III. REMARKS

In the Office Action, Claims 1-26 were rejected under 35 U.S.C. 112 as being indefinite for reasons set forth in the Action. Claims 1- 26 were rejected under 35 U.S.C. 101 for reciting non-statutory subject matter. The claims are amended to overcome the rejections under 35 U.S.C 101 and 112.

Claims 1, 18 and 23-26 were rejected under 35 U.S.C. 103 as being unpatentable over Carr (US 5293379) in view of Suzuki (US 6788706) for reasons set forth in the Action.

Independent claims 1, 18 and 25-26 are amended to provide further definition of the claim terminology. Thus, the data package is said to be a block of data or a data packet or a datagram (as set forth in the present specification on page 4 at lines 7-9), the data package being composed of a sequence of bits (page 15 at lines 1-5) arranged in fields (page 17 at line 3; page 18 at lines 3, 14, 22, 28 and 32), the fields being disposed in a plurality of layers (layer 12a of Figs. 1a and 2a; data 28 of Figs. 1a, 1b and 1c; transport layer message 52 of Figs. 1c and 1d) constituting a layered structure. Also, the physical layer and the data link layer and the transport layer are further defined to show how the transport layer message 52 of Fig. 1d is enclosed by the data link layer (48, 50 of Fig. 1c) to form a layered structure 28 (Fig. 1c) which, in turn, is enclosed by the physical layer (12a, 12b of Figs. 1a, 1b) to form a layered structure 10 of Figs. 1a and 1b. The amendatory language also notes that the physical layer serves to convey a bit stream though a network (page 4 at lines 12-14), as well as the aforementioned inventive features wherein the data link layer is enclosed by the segments of the physical layer, and that the transport layer is enclosed by the data link layer.

Thereby, the amendatory passages are believed to clarify the claims so as to overcome the rejections based on indefiniteness under 35 U.S.C. 112, and to define statutory subject matter so as to overcome the rejections under 15 U.S.C. 101.

With respect to the rejections under 35 U.S.C. 103, the above-noted amendments to the claims are believed to define subject matter that is not taught by the cited art,

considered individually and in combination, thereby to distinguish the claimed subject matter from the teachings of the cited art and to overcome the rejections to show the presence of allowable subject matter in the claims.

In particular, it is noted that the examiner (Point 6 of the Action) has cited various passages in Carr and Suzuki to show teachings of functions set forth in the claimed subject matter. However, as noted in present Figs. 1a, 1b, 1c and 1d, the fields of the data package, which control the various functions, are located in specific layers of the layered structure. Carr and Suzuki do not teach the locations of the functions in the layers noted by the presently claimed subject matter. Also the claimed subject matter describes the functions provided by the various layers, as well as the encapsulating of one layer within another of the layers, such as:

1. a physical layer has a first segment and a second segment encapsulating other ones of the layers in the layered structure,
2. the physical layer serves to convey a bit stream though a network,
3. a data link layer comprises a data link layer control section for carrying data link layer control data,
4. the data link layer further comprises a data section for carrying data for other ones of the layers,
5. the data link layer is enclosed by the segments of said physical layer,
6. a transport layer is enclosed by the data link layer, and defines a message in said data section, which message is configured according to a transport layer protocol and comprises:

a payload and a first header field for format of said payload,

- a second header field for start of said payload in said message,
- a third header field for length of said message,
- a fourth header field for version of said transport layer protocol, and
- a fifth header field for message group identity establishing receiving resource format of said payload.

Carr and Suzuki do not associate the foregoing functions with specific layers, nor do they teach the nesting (encapsulating) of one layer within another of the layers.

It is requested that the observations presented in the argument of the previous response be reconsidered in view of the present amendments.

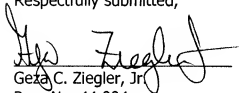
Due to the above-noted differences, it is urged that each of the cited references does not teach the invention as set forth in the present claims. Also, a combination of their teachings is found to contradict various features of the claimed subject matter so that there is no motivation to combine the references. Accordingly, this argument is believed to overcome the rejections under 35 U.S.C. 103 to show the presence of allowable subject matter in the claims.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

THERE IS NO EXTRA CLAIM FEE.

Respectfully submitted,


Geza C. Ziegler, Jr.
Reg. No. 44,004

16 OCTOBER 2007
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

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